

## REMARKS

Claims 1, 4-15 and 16 are pending.

In the aforesaid Office action, the Examiner rejected claims 1, 4-7 and 9-15 under 35 U.S.C. 103(a) as being unpatentable over Gonzales et al. (U.S. Patent No. 6,863,757), and objected to claim 8 as being dependent upon a rejected base claim. Applicants note with appreciation the indication that claim 16 is allowed, and that claim 8 would be allowable if rewritten in independent form including all limitations of the base and any intervening claims.

The Examiner rejected claims 1, 4-7 and 9-15 under 35 U.S.C. 103(a) as being unpatentable over Gonzales et al. However, **this application and the Gonzales et al. reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same entity** (Advanced Cardiovascular Systems, Inc.). Gonzales et al. (filed on December 19, 2002, and issued on March 8, 2005) is prior art only under one or more of subsections (e), (f), and (g) of section 102 of title 35. Therefore, Gonzales et al. is disqualified as prior art under 35 U.S.C. 103(c).

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

The commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,

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